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EXAMINER	
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2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/678,896	VALLOPPILLIL ET AL.	
	Examiner	Art Unit	
	Marivelisse Santiago-Cordero	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18,21-31,33-45 and 54-61* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18,21-31,33-45 and 54-61* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 January 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Art Unit – Location

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Information Disclosure Statement

2. The references cited in the Information Disclosure Statement (IDS) filed on 5/2/06 have been considered.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 18, 54 and 58 have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's arguments with respect to claims 12, 23, 28, 33, and 40 have been fully considered but they are not persuasive.

Regarding claim 12, Applicant argues that Ohmae have no discussion of a telephone number of a second end user; nor a message sent by a first end user including a telephone number of a second end user (Remarks: page 18, 2nd full paragraph). The Examiner respectfully disagrees. Note that in Ohmae the photographer and/or the permitted viewer can view the images stored by sending user authentication information (paragraph [0096]), which incorporates a telephone number (paragraph [0081]), used to identify the network-based content (paragraphs [0092]-[0094]). When the images are stored, they are associated with the authentication information and when the images are viewed, the authentication information needs to be entered in order to get the correct images previously stored in association with the authentication

information (paragraphs [0099-0102]). Since a first end user stores the images and a second end user (or the first, according to Ohmae) sees them, the authentication information relied upon to be associated with the images has to be the same (note that in Ohmae the user authentication information is compared with the previously stored authentication information. See paragraph [0099]). Accordingly, as stated in the last Office Action, Thakker in view of Ohmae does teach the claimed limitations.

Regarding claim 23, Applicant argues that Ohmae fails to disclose single-action user input (Remarks: page 20, 4th full paragraph). The Examiner respectfully disagrees. Ohmae does disclose a single-action user input that causes content to be transmitted from the device to the remote processing system (paragraph [0054]). Note that the pressing of the shutter button (single-user action) (see e.g., paragraph [0089]) is what causes content to be transmitted from the device to the remote processing system (see paragraph [0091]; also note that this transmission is automatically performed; hence, no other user action is required).

Claim 28 is argued for the same reasons stated above for claim 23; therefore, the same response applies.

Regarding claim 33, Applicant argues that Nemirofsky fails to disclose a single-action user input (Remarks: page 16, last paragraph) and responding to a single-action user input directed to the user interface by requesting content from a remote processing system using a first message which conforms to an asynchronous messaging protocol for sending person-to-person messages between mobile devices. The Examiner respectfully disagrees. Paragraph [0034] discloses the single-action user input. Paragraph [0055] discloses responding to a single-action user input directed to the user interface (note "after the message code is captured") by requesting

content from a remote processing system (note the advertising message) using a first message (note the message code) which conforms to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (paragraph [0045]; note the MMS). Accordingly, the rejection is maintained as stated in the last Office Action.

Claim 40 is argued for the same reasons stated above for claim 33; therefore, the same response applies.

Drawings

5. The drawings stand objected to by the Draftsperson under 37 CFR 1.84 or 1.152 (see form PTO-948 mailed on 1/27/06).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-11 and 54-60 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 1, the limitation "without sending the message to an entity associated with the specified destination telephone number" was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant is welcomed to point

out where in the specification the Examiner can find support for this limitation, if Applicant believes otherwise.

Regarding claims 54 and 58, the limitation "wherein the predetermined indicator indicates that the first message is not to be sent to a destination of the first message but to request content associated with the destination" was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant is welcomed to point out where in the specification the Examiner can find support for this limitation, if Applicant believes otherwise.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 3, 10-11, 54, 56-58, and 60 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith (cited in form PTO-892, paper no. 20050113).

Regarding claim 1, Smith discloses a method comprising:

receiving a message sent over a network by a first user from a mobile device (paragraph [0024]), the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (paragraph [0008]; note that e-mail is an asynchronous messaging protocol);

identifying a specified destination telephone number of the message (paragraph [0024]);

determining whether the specified destination telephone number corresponds to a predetermined telephone number paragraph [0024]r;

if the specified destination telephone number corresponds to the predetermined telephone number, then using an indicator in the message to identify network-based content that has been published by a second user (paragraphs [0021]-[0025]; note that when the second user registers, it is publishing the location in the HLR for the first user to request), and

sending the network-based content to the first user in response to the message (paragraphs [0024]-[0025]), without sending the message to an entity associated with the specified destination telephone number (paragraphs [0024]-[0025]).

Regarding claim 3, Smith discloses wherein the entity associated with the specified destination telephone number is a network-based application or an end-user (paragraph [0024]).

Regarding claim 10, Smith discloses wherein the method is performed within an intermediary processing system that couples a wireless network to a wireline computer network (Fig. 5; paragraph [0045]).

Regarding claim 11, Smith discloses wherein the indicator comprises a keyword (paragraph [0024]).

Regarding claim 54, Smith discloses a method of providing a directory of published content to a user of a mobile device operating on a wireless network, the method comprising:

receiving a first message from the mobile device via the wireless network (paragraph [0024]), the first message initiated by a first user using the mobile device (paragraph [0024]), the first message conforming to an asynchronous messaging protocol for sending person-to-person

messages between mobile devices (paragraph [0008]; note that e-mail is an asynchronous messaging protocol);

detecting a predetermined indicator in the first message (paragraph [0024]), wherein the predetermined indicator indicates that the first message is not to be sent to a destination of the first message but to request content associated with the destination (paragraph [0024]); and

in response to detecting the predetermined indicator in the first message, identifying a set of published network-based content associated with the destination and accessible to the first user (paragraphs [0021]-[0024]; note that when the second user registers, it is publishing its location in the HLR for the first user to request), and sending to the mobile device a second message identifying the set of network-based content, as a response to the first message (paragraphs [0024]-[0025]), the second message conforming to said protocol (paragraphs [0008] and [0025]).

Regarding claim 56, Smith discloses wherein the destination is a telephone number of an end user (paragraph [0024]).

Regarding claim 57, Smith discloses wherein the predetermined indicator comprises a keyword (paragraph [0024]).

Regarding claim 58, Smith discloses a processing system comprising:

a communications interface (paragraphs [0024]-[0025]; note that by receiving and sending information, a communications interface is inherently present);

a processor (note that this is inherently present given that the system performs a process, the process would be implemented by a processor);

a memory storing software which, when executed by the processor, causes the processing system to execute a process that includes

receiving a first message from the mobile device via the wireless network through the communications interface (paragraph [0024]), the first message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (paragraph [0008]; note that e-mail is an asynchronous messaging protocol), the message having a destination telephone number assigned to an end user (paragraph [0024]);

detecting a predetermined indicator in the first message (paragraph [0024]), wherein the predetermined indicator indicates that the first message is not to be sent to the end user but to request content associated with the end user (paragraph [0024]); and

in response to detecting the predetermined indicator in the first message, identifying a network-based content published by the end user (paragraphs [0021]-[0024]; note that when the second user registers, it is publishing its location in the HLR for the first user to request), and sending a second message identifying network-based content to the mobile device (paragraphs [0024]-[0025]), as a response to the first message (paragraphs [0024]-[0025]), the second message conforming to said protocol (paragraphs [0008] and [0025]).

Regarding claim 60, Smith discloses wherein the predetermined indicator comprises a keyword (paragraph [0024]).

10. Claims 18 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Vanttila et al. (hereinafter "Vanttila"; Patent No.: 5,794,142).

Regarding claim 18, Vanttila discloses a method of providing access to network-based content, the method being performed in a processing system coupled to a wireless network and to a wireline computer network, the method comprising:

receiving a message sent over the wireless network by a first end user from a mobile device (col. 6, lines 13-26), the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (col. 6, lines 13-26);

identifying a destination telephone number to which the message is directed (col. 6, lines 13-26); determining whether the destination telephone number corresponds to a telephone number of a wireless carrier (col. 6, lines 13-26; note that when the operator's site receives the message; it is inherent that the destination telephone number corresponded to a telephone number of the wireless carrier); if the destination telephone number corresponds to the telephone number of a wireless carrier, then identifying a predetermined indicator in the message (col. 5, lines 29-50; col. 6, lines 13-40; note the codes), using the predetermined indicator to identify network-based content previously published by a second user (col. 6, lines 13-33; note that the content is inherently published by a second user), and sending the network-based content to the first end user (col. 6, lines 34-36).

Regarding claim 22, Vanttila discloses wherein the predetermined indicator comprises a keyword (col. 5, lines 29-50; col. 6, lines 13-40; note the codes).

11. Claims 33-38 and 40-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Nemirofsky et al. (hereinafter "Nemirofsky"; Pub. No.: US 2004/0117255).

Regarding claim 33, Nemirofsky discloses a method of accessing published content from a mobile device on a wireless network, the method comprising: outputting a user interface on the

mobile device (paragraph [0034]); and responding to a single-action user input directed to the user interface (paragraph [0034]) by requesting content from a remote processing system using a first message which conforms to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (paragraphs [0045] and [0055]).

Regarding claim 34, Nemirofsky discloses a method as recited in claim 33, wherein the first message causes the remote processing system to transmit the content to the mobile device in a second message which conforms to said protocol (paragraphs [0055] and [0057]).

Regarding claim 35, Nemirofsky discloses a method as recited in claim 33, wherein the first message and the second message are multimedia messaging system (MMS) messages (paragraphs [0045] and [0057]).

Regarding claim 36, Nemirofsky discloses a method as recited in claim 34, wherein the content comprises rich media content (paragraph [0057]).

Regarding claim 37, Nemirofsky discloses a method as recited in claim 33, wherein the first message is addressed using a telephone number (paragraph [0055]).

Regarding claim 38, Nemirofsky discloses a method as recited in claim 33, wherein the content has been previously published on the remote processing system by a publishing end user (paragraph [0055]; note the advertiser).

Regarding claim 40, Nemirofsky discloses a mobile device comprising: a communication interface to enable the mobile device to communicate over a wireless network (Fig. 2, paragraph [0020]); a display device (Fig. 2, paragraph [0020]); a processor (Fig. 2, paragraph [0020]); and a memory storing software (Fig. 2, paragraph [0020]) which, when executed by the processor, causes the mobile device to output a user interface on the display device (paragraphs [0034] and

[0044]), and to respond to a single-action user input directed to the user interface from a user of the mobile device (paragraphs [0034] and [0044]), by requesting published content from a remote processing system using a first message (paragraph [0055]), the first message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (paragraph [0045]), such that, in response to the first message, the content is transmitted to the mobile device in a second message conforming to said protocol (paragraph [0057]).

Regarding claim 41, Nemirofsky discloses a mobile device as recited in claim 40, wherein the first message and the second message are multimedia messaging system (MMS) messages (paragraphs [0045] and [0057]).

Regarding claim 42, Nemirofsky discloses a mobile device as recited in claim 40, wherein the content comprises rich media content (paragraph [0057]).

Regarding claim 43, Nemirofsky discloses a mobile device as recited in claim 40, wherein the first message is addressed using a telephone number (paragraph [0055]).

Regarding claim 44, Nemirofsky discloses a mobile device as recited in claim 40, wherein the content has been previously published on the remote processing system by a publishing end user (paragraph [0055]; note the advertiser).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 2, 55, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith.

Regarding claims 2, 55, and 59, Smith discloses the methods of claims 1 and 54 and the system of claim 58, respectively (see above). Smith fails to specifically disclose wherein the messaging protocol is multimedia messaging system (MMS), and the messages are MMS messages.

Smith does disclose that the messages may be e-mail (paragraph [0008]) or SMS messages (paragraph [0025]); all well-known types of asynchronous messaging protocol.

However, the Examiner takes Official Notice of the fact that at the time the invention was made it was well-known in the art to use MMS messages since MMS has evolved from the popularity of the SMS and it's a standard for sending and receiving multimedia messages which can include any combination of formatted text, images, photographs, audio, and video clips. See e.g., Skog et al. (Pub. No. US 2002/0126708 cited in IDS filed on 3/30/2004).

Moreover, MMS messaging encompasses a wide range of content types making it easily adoptable for today's generation of mobile users and the message is a multimedia presentation in a single entry, making it much simpler and user-friendly. Therefore, it would have been obvious to one of ordinary skill in this art at the time the invention was made to use MMS messaging protocol and MMS messages for the reasons and motivations stated above.

14. Claims 1 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vanttila in view of Smith.

Regarding claim 1, Vanttila discloses a method comprising:

receiving a message sent over a network by a first user from a mobile device (col. 6, lines 13-26), the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (col. 6, lines 13-26);

identifying a specified destination telephone number of the message (col. 6, lines 13-26);

determining whether the specified destination telephone number corresponds to a predetermined telephone number paragraph (col. 6, lines 13-26);

if the specified destination telephone number corresponds to the predetermined telephone number, then using an indicator in the message to identify network-based content (col. 5, lines 29-50; col. 6, lines 13-40; note the codes) that has been published by a second user (col. 6, lines 13-33; note that the content is inherently published by a second user), and

sending the network-based content to the first user in response to the message (col. 6, lines 34-36).

Vanttila fails to specifically disclose without sending the message to an entity associated with the specified destination telephone number.

However, Smith discloses without sending the message to an entity associated with the specified destination telephone number (paragraphs [0024]-[0025]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to send the content to the first user without sending the message to an entity associated with the specified destination telephone number as suggested by Smith for the advantage of providing services that does not require the interruption of a second entity.

Regarding claim 4, in the obvious combination, Vanttila discloses wherein the predetermined telephone number is a telephone number of an entity other that an end user (col. 6, lines 13-36).

Regarding claim 5, in the obvious combination, Vanttila discloses wherein the predetermined telephone number is a telephone number of a network operator (col. 6, lines 13-36).

Regarding claim 6, in the obvious combination, Vanttila discloses wherein the predetermined telephone number is a telephone number of a wireless carrier (col. 6, lines 13-36).

Regarding claim 7, in the obvious combination, Smith discloses wherein the message includes a telephone number of the second user (paragraphs [0024]-[0025]), and wherein the indicator comprises the telephone number of the second user (paragraphs [0024]-[0025]), such that said using an indicator in the message to identify a network-based resource comprises using the telephone number of the second user to identify the network-based resource (paragraphs [0024]-[0025]).

15. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vanttila in combination with Smith (hereinafter "Vanttila/Smith", as applied to claim 4 above, and further in view of Vatanen et al. (hereinafter "Vatanen"; Pub. No.: US 2003/0078058).

Regariding claim 8, Vanttila/Smith discloses the method of claim 4 (see above).

Vanttila/Smith fails to disclose wherein the indicator comprises a cryptographic identifier of the network-based content, the method further comprising using the cryptographic identifier to identify the network-based resource.

However, Vatanen discloses an indicator comprising a cryptographic identifier of the network-based content, the method further comprising using the cryptographic identifier to identify the network-based resource (paragraph [0006]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to incorporate in the indicator of Vanttila/Smith a cryptographic identifier as suggested by Vatanen because it is known that short messages can be encrypted for the advantages of insuring that the message will not be visible in plain or unencrypted form to outsiders or unintended third parties (Vatanen: paragraph [0006]), hence, providing a more secure and safer transmission.

Regarding claim 9, in the obvious combination, Vatanen discloses wherein the network-based resource is identified based only on the cryptographic identifier (paragraph [0006). Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to incorporate based only the network-based resource of Vanttila/Smith on the cryptographic identifier as suggested by Vatanen because it is known that short messages can be encrypted for the advantages of insuring that the message will not be visible in plain or unencrypted form to outsiders or unintended third parties (Vatanen: paragraph [0006]), hence, providing a more secure and safer transmission.

16. Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thakker in view of Ohmae et al. (hereinafter "Ohmae"; Pub. No.: US 2003/0053608; cited in IDS filed on 9/20/2005).

Regarding claim 12, Thakker discloses a method of providing access to network-based content, the method being performed in a processing system coupled to a wireless network and to a wireline computer network (Fig. 3), the method comprising:

receiving a message sent over the wireless network by a first end user from a mobile device (Fig. 3, reference 140a), the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (Fig. 3, reference 140a; note that SMS is an asynchronous messaging protocol for sending person-to-person messages between mobile devices); identifying a destination telephone number to which the message is directed (col. 4, lines 3-6), wherein the destination telephone number is a telephone number of a network entity other than an end user (col. 4, lines 3-6); determining whether the destination telephone number corresponds to a predetermined number (col. 4, lines 3-6); if the destination telephone number corresponds to the predetermined number, then identifying a predetermined indicator in the message (col. 4, lines 17-28 and col. 5, lines 6-10), using the predetermined indicator in the message to identify network-based content that has been published by the second end user (col. 4, lines 17-23 and col. 5, lines 6-10; note that the information is inherently published by a second user), and sending the network-based content to the first end user (col. 5, lines 14-17).

Thakker fails to disclose the message including a telephone number of a second end user and using the telephone number of the second end user in the message to identify network-based content.

However, Ohmae, in a method which identifies network-based content that has been published by a second end user, discloses the message including a telephone number of a second end user (paragraphs [0081] and [0097]-[0098]), and using the telephone number of the second

end user in the message to identify network-based content (paragraphs [0026] and [0096]-[0102]; note that in Ohmae the photographer and/or the permitted viewer can view the images stored by sending user authentication information, which incorporates a telephone number, used to identify the network-based content).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to include in the message of Thakker a telephone number of the second user, and using the telephone number of the second end user in the message to identify network-based content as suggested by Ohmae.

One of ordinary skill in this art would have been motivated to include in the message a telephone number of the second user, and using the telephone number of the second end user in the message to identify network-based content because it will correspond the information with the stored, published data (paragraph [0026]) necessary for responding to the user's request (paragraph [0074]), thereby, preventing unauthorized users to access the content.

Regarding claim 13, Thakker discloses wherein the predetermined destination is a telephone number of a network operator (col. 3, lines 52-57 and col. 4, lines 7-11).

Regarding claim 14, Thakker discloses wherein the predetermined destination is a telephone number of a wireless carrier (col. 3, lines 52-57 and col. 4, lines 7-11).

Regarding claim 15, in the obvious combination, Ohmae discloses wherein the network-based resource has been previously associated with the telephone number of the second end user and the predetermined indicator by the second end user (paragraphs [0018] and [0081]). Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to previously associate the network-based resource with the telephone number of

the second end user and the predetermined indicator by the second end user as suggested by Ohmae because the data is stored efficiently in a memory device (Ohmae: paragraph [0018]).

Regarding claim 16, Thakker in combination with Ohmae fails to disclose wherein the messaging protocol is multimedia messaging system (MMS) and the message is an MMS message. Nonetheless, Ohmae in combination with Thakker does disclose wherein the messaging protocol is SMS and the message is an SMS message (Thakker: Fig. 2, reference 140a).

However, the Examiner takes Official Notice of the fact that at the time the invention was made it was well-known in the art to use MMS messaging protocol and MMS messages since MMS has evolved from the popularity of the SMS and it's a standard for sending and receiving multimedia messages which can include any combination of formatted text, images, photographs, audio, and video clips. See e.g., Skog et al. (Pub. No. US 2002/0126708 cited in IDS filed on 3/30/2004). Moreover, MMS messaging encompasses a wide range of content types making it easily adoptable for today's generation of mobile users and the message is a multimedia presentation in a single entry, making it much simpler and user-friendly. Therefore, it would have been obvious to one of ordinary skill in this art at the time the invention was made to use MMS messaging protocol and MMS messages for the reasons and motivations stated above.

Regarding claim 17, Thakker discloses wherein the predetermined indicator comprises a keyword (col. 4, lines 17-28).

17. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vanttila.

Regarding claim 21, Vanttila discloses the method as recited in claim 18 (see above). Vanttila fails to specifically disclose wherein the messaging protocol is multimedia messaging system (MMS), and the message is an MMS message.

Vanttila does disclose that the messaging protocol is shot messaging service (SMS), and the message is an SMS message

However, the Examiner takes Official Notice of the fact that at the time the invention was made it was well-known in the art to use MMS messages since MMS has evolved from the popularity of the SMS and it's a standard for sending and receiving multimedia messages which can include any combination of formatted text, images, photographs, audio, and video clips. See e.g., Skog et al. (Pub. No. US 2002/0126708 cited in IDS filed on 3/30/2004).

Moreover, MMS messaging encompasses a wide range of content types making it easily adoptable for today's generation of mobile users and the message is a multimedia presentation in a single entry, making it much simpler and user-friendly. Therefore, it would have been obvious to one of ordinary skill in this art at the time the invention was made to use MMS messaging protocol and MMS messages for the reasons and motivations stated above.

18. Claims 23-26, 28-32, and 54-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmae in view of Thakker.

Regarding claim 23, Ohmae discloses a method of publishing content from a mobile device on a wireless network, the method comprising:

outputting a user interface on the mobile device (paragraph [0053]); and responding to a single-action user input directed to the user interface by causing content to be transmitted from the mobile device to a remote processing system (paragraph [0054]) and stored in the remote

processing system (paragraph [0067]), such that the content, when stored in the remote processing system, is available for transmission to a second device in response to a message from the second device (paragraph [0072]).

Ohmae fails to disclose the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices.

However, Thakker discloses content, when stored in the remote processing system, is available for transmission to a second device in response to a message from the second device (col. 4, lines 8-28), the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (col. 4, lines 25-28; note that SMS is an asynchronous messaging protocol for sending person-to-person messages between mobile devices).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to conform the message of Ohmae an asynchronous messaging protocol for sending person-to-person messages between mobile devices as suggested by Thakker.

One of ordinary skill in this art would have been motivated to conform the message an asynchronous messaging protocol for sending person-to-person messages between mobile devices because it is simpler, more reliable, independent, user-friendly, and widely acceptable.

Regarding claim 24, Ohmae in combination with Thakker fails to disclose wherein the message is an multimedia messaging system (MMS) message. Nonetheless, Ohmae in combination with Thakker does disclose wherein the message is an SMS message (Thakker: Fig. 2, reference 140a) and the reasons and motivation are stated above for claim 23.

However, the Examiner takes Official Notice of the fact that at the time the invention was made it was well-known in the art to use MMS messages since MMS has evolved from the popularity of the SMS and it's a standard for sending and receiving multimedia messages which can include any combination of formatted text, images, photographs, audio, and video clips. See e.g., Skog et al. (Pub. No. US 2002/0126708 cited in IDS filed on 3/30/2004). Moreover, MMS messaging encompasses a wide range of content types making it easily adoptable for today's generation of mobile users and the message is a multimedia presentation in a single entry, making it much simpler and user-friendly. Therefore, it would have been obvious to one of ordinary skill in this art at the time the invention was made to use MMS messaging protocol and MMS messages for the reasons and motivations stated above.

Regarding claim 25, in the obvious combination, Ohmae discloses wherein the content comprises rich media content (Fig. 4).

Regarding claim 26, in the obvious combination, Ohmae discloses wherein the message is addressed using a telephone number (paragraphs [0081] and [0098]; note that user authentication encompasses a telephone number). Moreover, in the obvious combination, Thakker also discloses wherein the message is addressed using a telephone number (col. 4, lines 17-22). Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to address the message of Thakker using a telephone number as suggested by Thakker because it will associate it with the content stored (Thakker: col. 4, lines 20-22).

Regarding claim 28, Ohmae discloses a mobile device comprising: a communication interface to enable the mobile device to communicate over a wireless network (Fig. 2, reference 119]); a display device (Fig. 2, reference 112; paragraph [0053]); a processor (Fig. 2, reference

113; and a memory storing software which, when executed by the processor, causes the mobile device to output a user interface on the display device (paragraphs [0053]-[0054]), and to respond to a single-action user input directed to the user interface from a user of the mobile device (paragraph [0054]), by sending a command to the remote processing system with the content (paragraph [0054]), the command instructing the remote processing system to store the content in association with a user of the mobile device (paragraphs [0026] and [0067]), for subsequent transmission by the remote processing system to a second device in response to a message from the second device (paragraph [0072]).

Ohmae fails to disclose the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices.

However, Thakker discloses content available for subsequent transmission by a remote processing system to a second device in response to a message from the second device (col. 4, lines 8-28), the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (col. 4, lines 25-28; note that SMS is an asynchronous messaging protocol for sending person-to-person messages between mobile devices).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to conform the message of Ohmae an asynchronous messaging protocol for sending person-to-person messages between mobile devices as suggested by Thakker.

One of ordinary skill in this art would have been motivated to conform the message an asynchronous messaging protocol for sending person-to-person messages between mobile devices because it is simpler, more reliable, independent, user-friendly, and widely acceptable.

Regarding claim 29, Ohmae in combination with Thakker fails to disclose wherein the message is a multimedia messaging system (MMS) message. Nonetheless, Ohmae in combination with Thakker does disclose wherein the message is an SMS message (Thakker: Fig. 2, reference 140a) and the reasons and motivation are stated above for claim 23.

However, the Examiner takes Official Notice of the fact that at the time the invention was made it was well-known in the art to use MMS messages since MMS has evolved from the popularity of the SMS and it's a standard for sending and receiving multimedia messages which can include any combination of formatted text, images, photographs, audio, and video clips. See e.g., Skog et al. (Pub. No. US 2002/0126708 cited in IDS filed on 3/30/2004). Moreover, MMS messaging encompasses a wide range of content types making it easily adoptable for today's generation of mobile users and the message is a multimedia presentation in a single entry, making it much simpler and user-friendly. Therefore, it would have been obvious to one of ordinary skill in this art at the time the invention was made to use MMS messaging protocol and MMS messages for the reasons and motivations stated above.

Regarding claim 30, in the obvious combination, Ohmae discloses wherein the content comprises rich media content (Fig. 4).

Regarding claim 31, in the obvious combination, Ohmae discloses wherein the message is addressed using a telephone number (paragraphs [0081] and [0098]; note that user authentication encompasses a telephone number). Moreover, in the obvious combination, Thakker also discloses wherein the message is addressed using a telephone number (col. 4, lines 17-22). Therefore, it would have been obvious to one of ordinary skill in this art at the time of

invention by applicant to address the message of Thakker using a telephone number as suggested by Thakker because it will associate it with the content stored (Thakker: col. 4, lines 20-22).

19. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmae in combination with Thakker (hereinafter "Ohmae/Thakker") as applied to claim 23 above, and further in view of Zilliacus (Pub No.: US 2003/0211856).

Regarding claim 27, Ohmae/Thakker disclose the method as recited in claim 23 (see above). Ohmae/Thakker fail to disclose wherein in response to the single-action user input, the content is transmitted from the mobile device to the remote processing system in a message that conforms to said asynchronous messaging protocol for sending person-to-person messages between mobile devices.

However, Zilliacus discloses a method wherein responding to a single-action user input, content is transmitted from the mobile device to a remote processing system in a message that conforms to said asynchronous messaging protocol for sending person-to-person messages between mobile devices (paragraph [0055]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to transmit the content of Ohmae/Thakker in a message that conforms to said asynchronous messaging protocol for sending person-to-person messages between mobile devices as suggested by Zilliacus.

One of ordinary skill in this art would have been motivated to transmit the content in a message that conforms to said asynchronous messaging protocol for sending person-to-person messages between mobile devices because it is simpler, more reliable, independent, user-friendly, and widely acceptable.

20. Claims 33, 38-39, 40, and 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Randall et al. (hereinafter "Randall"; Pub. No.: US 2004/0024846) in view of Thakker.

Regarding claim 33, Randall discloses a method of accessing published content from a mobile device on a wireless network (paragraph [0053]), the method comprising: outputting a user interface on the mobile (paragraph [0491]); and responding to a single-action user input directed to the user interface (paragraph [0493]) by requesting content from a remote processing system using a first message (paragraph [0493]).

Randall fails to disclose a first message, which conforms to an asynchronous messaging protocol for sending person-to-person messages between mobile devices.

However, Thakker discloses a method of accessing published content from a mobile device on a wireless network wherein content is requested from a remote processing system using a first message, which conforms to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (Fig. 3, reference 140a; note that SMS is an asynchronous messaging protocol for sending person-to-person messages between mobile devices).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to conform the message of Randall as an asynchronous messaging protocol for sending person-to-person messages between mobile devices as suggested by Thakker.

One of ordinary skill in this art would have been motivated to conform the message as an asynchronous messaging protocol for sending person-to-person messages between mobile devices because it is simpler, more reliable, independent, user-friendly, and widely acceptable.

Regarding claim 38, in the obvious combination, Randall discloses wherein the content has been previously published on the remote processing system by a publishing end user (paragraph [0053]).

Regarding claim 39, in the obvious combination, Randall discloses wherein the user interface comprises a contact list stored in the mobile device (paragraph [0491]), and wherein the single-action user input is directed to an entry in the contact list corresponding to the publishing end user (paragraph [0493]).

Regarding claim 40, Randall discloses a mobile device comprising: a communication interface to enable the mobile device to communicate over a wireless network (Fig. 6); a display device (Fig. 6); a processor (paragraph [0493]; note that this is inherently present in Randall since the reference shows a process, the process would be implemented by a processor) and a memory storing software paragraph [0493]; note that this is inherently present in Randall given that the reference shows a process, the process would be implemented by a processor which requires a memory, e.g., a RAM, to function) which, when executed by the processor, causes the mobile device to output a user interface on the display device (paragraph [0491]), and to respond to a single-action user input directed to the user interface from a user of the mobile device (paragraph [0493]), by requesting published content from a remote processing system using a first message (paragraphs [0053] and [0493]), such that, in response to the first message, the content is transmitted to the mobile device in a second message paragraph [0493] conforming to

said protocol (paragraph [0060]; note that SMS is an asynchronous messaging protocol for sending person-to-person messages between mobile devices).

Randall fails to disclose the first message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices.

However, Thakker discloses a mobile device which requests published content from a remote processing system using a first message, the first message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (Fig. 3, reference 140a; note that SMS is an asynchronous messaging protocol for sending person-to-person messages between mobile devices).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to conform the messages of Randall as an asynchronous messaging protocol for sending person-to-person messages between mobile devices as suggested by Thakker.

One of ordinary skill in this art would have been motivated to conform the message as an asynchronous messaging protocol for sending person-to-person messages between mobile devices because it is simpler, more reliable, independent, user-friendly, and widely acceptable.

Regarding claim 44, in the obvious combination, Randall discloses wherein the content has been previously published on the remote processing system by a publishing end user (paragraph [0053]).

Regarding claim 45, in the obvious combination, Randall discloses wherein the user interface comprises a contact list stored in the mobile device (paragraph [0491]), and wherein the

single-action user input is directed to an entry in the contact list corresponding to the publishing end user (paragraph [0493]).

21. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vanttila in view of Vatanen.

Regarding claim 61, Vanttila discloses a method as recited in claim 18 (see above). Vanttila fails to specifically disclose a cryptographic identifier.

However, Vatanen discloses a cryptographic identifier (paragraph [0006]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to incorporate in the indicator of Vanttila a cryptographic identifier as suggested by Vatanen because it is known that short messages can be encrypted for the advantages of insuring that the message will not be visible in plain or unencrypted form to outsiders or unintended third parties (Vatanen: paragraph [0006]), hence, providing a more secure and safer transmission.

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marivelisse Santiago-Cordero whose telephone number is (571) 272-7839. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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